

Sec. ~~AS 43.52.200~~. Levy of excise tax on overnight accommodations on commercial passenger vessels.

There is imposed an excise tax on passengers traveling on commercial passenger vessels providing overnight accommodations that anchor or moor on the state's marine water with the intent to allow passengers to embark or disembark.

Sec. 43.52.210. Rate of tax.

The tax imposed by AS 43.52.200 ~~43.52.295~~ is levied at a rate of \$34.50 for a passenger for each voyage.

Sec. 43.52.220. Liability for payment of tax.

A passenger subject to the excise tax imposed by AS 43.52.200 ~~43.52.295~~ is liable for the payment of the tax. The tax shall be collected from the passenger by the person who provides travel aboard a commercial vessel and shall be paid to the department in the manner and at the times required by the department by regulation.

Sec. 43.52.230. Disposition of receipts.

(a) The proceeds from the tax imposed under AS 43.52.200 ~~43.52.295~~ shall be deposited in a special "commercial vessel passenger tax account" in the general fund. The legislature may appropriate money from this account for the purposes described in (b) and (d) of this section.

(b) For each voyage of a commercial passenger vessel, the commissioner shall identify the first seven ports of call in the state and the number of passengers subject to the tax imposed under AS 43.52.200 ~~43.52.295~~ on board at each port of call. Subject to annual appropriation by the legislature, the commissioner shall distribute to each port of call \$5 for each passenger subject to the tax imposed under AS 43.52.200 ~~43.52.295~~. If the port of call is a city located within a borough not otherwise unified with the borough, the commissioner shall distribute \$2.50 for each passenger to the city and \$2.50 to the borough. A city or borough that receives a payment under this subsection shall use the funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels.

(c) *[Repealed, Sec. 12 ch 101 SLA 2010].*

(d) In addition to making an appropriation for the payments described in (b) of this section, the legislature may appropriate money from the commercial vessel passenger tax account to projects that (1) improve port and harbor infrastructure, (2) provide services to commercial passenger vessels and the passengers on board those vessels, or (3) improve the safety and

efficiency of the interstate and foreign commerce activities in which the vessels and the passengers on board those vessels are engaged.

(e) After October 31, 2010, and before November 1, 2015, a home rule or general law municipality that imposes and collects a tax on a passenger traveling on a commercial passenger vessel under a law enacted by the municipality before December 17, 2007, may not receive an appropriation under (d) of this section.

Sec. 43.52.240. Administration.

The department shall

(1) collect and enforce the collection of taxes due under AS ~~43.52.200~~ - 43.52.295 and penalties as provided in AS 43.05;

(2) adopt regulations necessary for the administration of AS ~~43.52.200~~ - 43.52.295; and

(3) subject to annual appropriation, distribute the payments described in AS 43.52.230 (b).

Sec. 43.52.250. Local levies. [Repealed, Sec. 12 ch 101 SLA 2010].

Repealed or Renumbered

Sec. 43.52.255. Tax reduction for local levies.

The tax imposed on a passenger by AS ~~43.52.200~~ - 43.52.295 shall be reduced by the total amount of a tax on the passenger traveling on a commercial passenger vessel that is imposed and collected by a home rule or general law municipality under a law enacted before December 17, 2007.

Sec. 43.52.260. Periodic report.

The Department of Commerce, Community, and Economic Development shall, every three years, prepare and submit to the governor, the legislature, and the public a report that

(1) addresses the projected needs of communities to safely and efficiently host passengers that pay taxes under AS ~~43.52.200~~ - 43.52.295; and

(2) summarizes the extent to which appropriations of the proceeds of the tax have been used to defray the cost of meeting the needs described in (1) of this section.

Sec. 43.52.295. Definitions.

In AS ~~43.52.200~~ - 43.52.295,

(1) "commercial passenger vessel" means a boat or vessel that is used in the common carriage of passengers in commerce; "commercial passenger vessel" does not include

(A) vessels with fewer than 250 berths or other overnight accommodations for passengers;

(B) noncommercial vessels, warships, and vessels operated by the state, the United States, or a foreign government;

(2) "marine water of the state" and "state marine water" have the meaning given to "waters" in [AS 46.03.900](#), except that they include only marine waters;

(3) "passenger" means a person whom a common carrier has contracted to carry from one place to another;

(4) "voyage" means any trip or itinerary lasting more than 72 hours on the state's marine water.